

REMARKS – General

Claim Rejections under 35 USC §112:

The most recent Office Action (OA) rejects claims 1-29 as being indefinite. Specifically, the OA states that there is insufficient antecedent basis for the limitation “the target device.” Applicants have amended claim 1 and all dependent claims to recite “the target wireless device—”. Applicants respectfully request reconsideration of the rejection.

Claim Rejections under 35 USC §103:

The most recent Office Action (OA) rejects claims 1-33, 35, 36, 39-51, 55, 56, 58, and 60-73 under 35 USC §103 as being unpatentable over Jiang et al., US Pat. No. 6,741,853, hereinafter “Jiang”, in view of Tso et al., US Pat. No. 6,088,803, hereinafter “Tso”, further in view of Krishnamurthy et al., US Pat. No. 6,578,113, hereinafter “Krish.” Applicants respectfully traverse this rejection.

In traversing the rejection, Applicants reply upon MPEP §2143.03, which states, “To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Applicants respectfully submit that the combination of Jiang, Tso, and Krish fails to teach all of Applicants’ claimed limitations. Specifically, the combination of references fails to teach the step of determining whether the pre-provisioned content is stored locally or with a trusted third party host, and where the pre-provisioned content is stored with the trusted third party host, retrieving the pre-provisioned content from the trusted third party host following the step of determining whether pre-provisioned content corresponding to the device exists, and delivering the content to a target device without further provisioning.

To begin, neither Jiang nor Tso teaches determining whether the pre-provisioned content is stored locally or with a trusted third party host, and where the pre-provisioned content is stored with the trusted third party host, retrieving the pre-provisioned content from the trusted third party host and delivering it without additional provisioning. Jiang

fails to teach retrieving pre-provisioned content from a remote, trusted source. Jiang rather dynamically inspects and adapts all retrieved content, regardless of source. See, e.g., Jiang at col. 6, lines 41-64 and col. 8, lines 8-19. Likewise, Tso fails to teach determining whether pre-provisioned content corresponding to the target device exists, but only teaches detecting whether the pre-provisioned content is locally stored. The OA notes that Tso discloses a transcoding server including a cache memory to store the transcoded version of the content for latter transmission (Tso, col. 6, lines 51-54). Note that FIG. 4 and FIG. 5 of Tso teach the cache memory and the cache storage disposed locally within the networked device. Further, the specification of Tso expressly teaches away from retrieving pre-provisioned content from a remote, trusted, third party hosts in that Tso's disclosure teaches examination of all content, regardless of source.

The most recent OA acknowledges that neither Jiang nor Tso teaches the step of determining whether the pre-provisioned content is stored locally or with a trusted third party host, and where the pre-provisioned content is stored with the trusted third party host, retrieving the pre-provisioned content from the trusted third party host and delivering the content without further provisioning. However, the most recent OA submits that Krish teaches such a step both at col. 1, lines 44-55, and at col. 3, lines 25-34. Applicants respectfully traverse this assertion.

At col. 1, lines 44-55, Krish states the following:

For instance, when the subscriber sends a request for accessing or downloading a particular page in the network, say a page residing at source s.sub.2, the LSP first checks in the proxy cache to determine whether the requested resource is available from the cache without having to transfer the request through the network to the server which is typically more remote. If the resource is available at the cache, the local service provider can transmit the resource back to the requester without the need of forwarding a request through the network to the server s.sub.2. This avoids unnecessary time delay in processing the subscriber's request.

At col. 3, lines 25-34, Krish states the following:

In accordance with the present invention when the proxy cache receives a request for a particular piece of information, say for example, page 1, it examines whether the cache has a valid copy of the requested resource. If the cache does not have a valid copy then it will forward a request for that resource to the known source of the data, for example server s.sub.1. For purposes of discussion this will be referred to as the

primary validation request. The proxy cache will also check its contents for other resources which have been downloaded from server s.sub.1

In both of these passages, Krish only teaches checking a locally stored cache for the content. There is no mention in Krish of checking with a trusted third party host. Krish merely checks to see if the content is stored locally, and if not, polls the source of the content on the network. In contrast to Applicant's invention, when content is not cached locally, Krish merely "constructs a request to the server which is the source for the document and ask for a copy of the document or whether the cached version is valid, step 305." Krish, col. 3, lines 65-68.

This request is constructed regardless of whether the source is trusted or untrusted. There is no mention in Krish of distinguishing between trusted third party hosts and untrusted third party hosts when checking for pre-provisioned content. Applicants note that when determining whether the combination of references teaches all of an applicant's claimed limitations, "[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). Emphasis added.

As none of Jiang, Tso, or Krish teaches determining whether the pre-provisioned content is stored locally or with a trusted third party host, and where the pre-provisioned content is stored with the trusted third party host, retrieving the pre-provisioned content from the trusted third party host and delivering the content without further provisioning, Applicants respectfully submit that the combination of Jiang, Tso, and Krish likewise fails to teach such a step. Applicants respectfully request reconsideration of the rejection of the independent claims light of these comments. Applicants have amended claim 30, 45, and 61 in like fashion to that of claim 1.

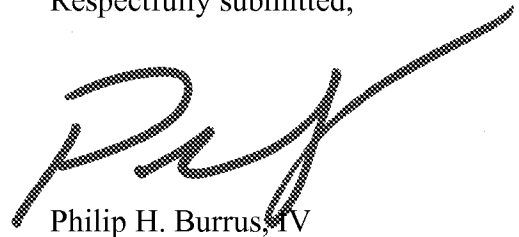
According to MPEP §2143.03, "If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988). As such, Applicants respectfully request reconsideration of claims 30, 45, 61 and their respective dependent claims 31-33, 35, 36, 39-44, 46-51, 55, 56, 58, 60, 62-73 in light of the amendment.

CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

For the above reasons, Applicants believe the specification and claims are now in proper form, and that the claims all define patentably over the prior art. Applicants believe this application is now in condition for allowance, for which they respectfully submit. If any matter may be more easily handled by telephone, the undersigned attorney welcomes telephone calls from the Examiner.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'P. Burrus, IV', with a long, sweeping horizontal stroke extending to the right.

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